

Message Text

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PAGE 01 ZAGREB 01031 081022Z

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FM AMCONSUL ZAGREB

TO SECSTATE WASHDC 4167

INFO AMEMBASSY BELGRADE

C O N F I D E N T I A L ZAGREB 1031

E.O. 11652: GDS

TAGS: CASC, YO (POD, ELI)

SUBJECT: W/W ARREST OF AMERICAN CITIZEN ELI POD

REF: ZAGREB 1020 AND PREVIOUS

1. CONSOFF MET WITH PRESIDENT REGIONAL COURT AT KARLOVAC DECEMBER 7 AND SUBSEQUENTLY WITH SUBJECT. PRESIDENT OF THE COURT WAS UNABLE TO SHED FURTHER LIGHT ON LACK OF NOTIFICATION BY COURT OFFICIALS ABOUT SUBJECT'S TRIAL DATE. HOWEVER, HE WAS AWARE THAT A CONSOFF HAD BEEN EXPECTED TO BE PRESENT AT OGULIN FOR POD'S TRIAL. HE OFFERED COMMENT THAT LAWYER BENIC HAD BEEN NOTIFIED ABOUT TRIAL DATE AND THAT LAWYER SHOULD HAVE NOTIFIED CONSULATE.

2. SUBJECT DEPRESSED ABOUT PRESENT SITUATION AND ATTITUDE OF LAWYER WHO APPEARS TO NEED PRODDING BEFORE TAKING ANY COURSE OF ACTION. HOWEVER, POD PREFERS NOT TO CHANGE LAWYER UNTIL DECISION ON PRESENT APPEAL. REGIONAL COURT HAS SCHEDULED HEARING ON SUBJECT'S APPEAL OF LOWER COURT DECISION FOR DECEMBER 10. LAWYER BENIC TO BE IN ATTENDANCE.

3. POD STATED THAT FIVE WITNESSES WERE CALLED TO TESTIFY DURING HIS TRIAL. ONLY WITNESS TO PRESENT CRITICAL EVIDENCE WAS ACCUSOR (YUGOSLAV OFFICIAL) WHO STATED THAT SUBJECT WANTED TO PROCURE A YUGOSLAV PASSPORT FOR UNIDENTIFIED INDIVIDUAL PRESENTLY INCARCERATED AT RIJEKA. SUBJECT TOLD CONSOFF THAT REASON FOR HIS ARREST IS STILL UNCLEAR TO HIM. QUESTIONS RAISED DURING INTERROGATION BY POLICE HAVE LEFT IMPRESSION

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PAGE 02 ZAGREB 01031 081022Z

WITH SUBJECT THAT YUGOSLAV AUTHORITIES CONSIDER HIM AN AMERICAN

SPY. MAJORITY TIME SPENT DURING INTERROGATIONS RELATE TO HIS ACTIVITIES SINCE 1959, ANY CONTACTS WITH AMERICAN DIPLOMATIC AND CONSULAR POSTS, RELATIONSHIPS WITH YUGOSLAV EMIGRE ORGANIZATIONS, KNOWLEDGE OF OR ABOUT MANY INDIVIDUALS WHOSE NAMES WERE MENTIONED BY INTERROGATORS, AND POSSIBLE EMPLOYMENT WITH USG. ONLY PASSING INTEREST WAS GIVEN TO ILLEGAL PROCUREMENT OF YUGOSLAV PASSPORT.

4. INTERROGATORS ALSO INTERESTED IN ACTIVITIES OF YUGOSLAV EMIGRE BRANKO HORVAT, ALBRECHT-STRASSE 21, WIESBADEN, GERMANY, WHO ACCOMPANIED SUBJECT DURING 1959 ESCAPE FROM YUGOSLAVIA. SUBJECT STATED HE HAS NO KNOWLEDGE ABOUT HORVAT'S PRESENT POLITICAL OPINIONS AND ACTIVITIES. POD TRAVELLED TO EUROPE TO PRESENT TESTIMONY IN COURT CASE HE INITIATED AGAINST HORVAT OVER OWNERSHIP OF CERTAIN SUM MONEY SUBJECT DEPOSITED WITH HIM. POD STATES HE RETURNED TO YUGOSLAVIA SOLELY FOR PURPOSE OF VISITING PARENTS WHO RESIDE AT UROVICA, NGOTIN. HORVAT REFUSED TO RESPOND TO CONSULATE TELEGRAMS AND AMEMBASSY BONN TELEPHONE CALLS TO PROVIDE POD WITH FINANCIAL ASSISTANCE.

5. CONSOFF TELEPHONED LAWYER BENIC DECEMBER 6 AND 7. ONLY EXCUSE GIVEN BY BENIC FOR NOT CONTACTING CONSULATE GENERAL ABOUT TRIAL DATE WAS THAT HE COULD NOT GET THROUGH BECAUSE OF THE POOR TELEPHONE LINES BETWEEN ZAGREB AND KARLOVAC. GIVEN EXPERIENCE OF CONGEN WITH TELEPHONE CALLS TO KARLOVAC, THERE EXISTS PLAUSIBILITY OF TRUTH IN LAWYER'S STATEMENT. HOWEVER, LAWYER UNABLE TO EXPLAIN WHY HE DID NOT UTILIZE TELEGRAPH SERVICE. LAWYER MAILED HIS COPY OF COURT RECORD TO CONSULATE DECEMBER 6 UPON REQUEST OF CONSOFF. COPY OF RECORD PREVIOUSLY REQUESTED OF CROATIAN BUREAU OF CONSULAR AFFAIRS. ANTICIPATE RECEIPT OF SAME SHORTLY IN ORDER TO REVIEW TOTAL RECORD.

6. AMBASSADOR'S COMMENTS: IT IS INCREDIBLE TO ME THAT THE DEFENSE ATTORNEY DID NOT CROSS-EXAMINE ACCUSOR AS TO IDENTITY OF THE ALLEGED INDIVIDUAL INCARCERATED IN RIJEKA. THIS SMELLS OF A SET UP ALA TOTH. HERE WE GO AGAIN. WE CAN AGAIN REFER TO THE "IRRITANTS" IN OUR RELATIONS.
GROSS

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